

JOURNAL OF THE HOUSE.

Thursday, June 21, 2007.

Met according to adjournment, at eleven o'clock A.M., with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Lord of Creation, we take a moment on this the first day of the summer season to think about our vast and mysterious universe and to offer You a prayer of thanksgiving for our blessings. We are grateful for our nation's rich material and talented human resources which we believe come from You. Teach us to use these gifts wisely, prudently and productively in meeting our country's present and future needs. May the prayerful spirit of thanks remain in our hearts, minds and on the tips of our tongues. As elected representatives of the people, may our desire for fairness, justice and truth be a reality as community leaders in our Commonwealth.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Statement Concerning Representative Bosley of North Adams.

A statement of Mr. Rogers of Norwood concerning Mr. Bosley of North Adams, was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Bosley of North Adams, will not be present in the House Chamber for today's sitting due to his tending to business outside of the Commonwealth. Any roll calls that he may miss today will be due entirely to the reason stated.

Statement Concerning Representative Kulik of Worthington.

A statement of Mr. Rogers of Norwood concerning Mr. Kulik of Worthington, was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Kulik of Worthington, will not be present in the House Chamber for today's sitting due to his attendance at a national meeting of health care chairs sponsored by the National Conference of State Legislatures, in Washington, D.C. Any roll calls that he may miss today will be due entirely to the reason stated.

Statement Concerning Representative Rush of Boston.

A statement of Mr. Rogers of Norwood concerning Mr. Rush of Worcester, was spread upon the records of the House, as follows:

Statement concerning Representative Rush of Boston.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Rush of Boston, will not be present in the House Chamber for today's sitting. Mr. Rush has been called to serve active duty with the United States Navy from Sunday, June 17th to Friday, June 22nd. Any roll calls that he may miss today or tomorrow will be due entirely to the reason stated.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Maurice Capistran.

Resolutions (filed by Mr. Peterson of Grafton) recognizing Maurice "Moe" Capistran for his thirty years of extraordinary volunteer service to the town of Upton;

Stephen Philip Oliveira.

Resolutions (filed by Mr. Canessa of New Bedford) congratulating Stephen Philip Oliveira on receiving the Eagle Award of the Boy Scouts of America;

Dudley, anniversary.

Resolutions (filed by Mr. Kujawski of Webster) on the anniversary of the two hundred and seventy-fifth anniversary of the incorporation of the town of Dudley;

Jonathan Evers.

Resolutions (filed by Mrs. Walrath of Stow) congratulating Jonathan Evers on receiving the Eagle Award of the Boy Scouts of America; and

Massachusetts Eye and Ear Infirmary.

Resolutions (filed by Ms. Walz of Boston) congratulating the social work and discharge planning department at the Massachusetts Eye and Ear Infirmary on the occasion of its one hundredth anniversary;

Mr. Scaccia of Boston, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Peterson, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Communication.

Renewable energy portfolio regulations.

A communication from the Division of Energy Resources of the Executive Office of Energy and Environmental Affairs (under the provisions of section 12 of Chapter 25A of the General Laws) submitting final amended proposed regulations (225 CMR 14.00) relative to the renewable energy portfolio standard (House, No. 4112), was referred to the committee on Telecommunications, Utilities and Energy. Sent to the Senate for concurrence.

Petitions.

Petitions severally were presented and referred as follows:

Dennis, waterway improvements.

By Mr. Turner of Dennis, petition (accompanied by bill, House, No. 4108) of Cleon H. Turner and Robert A. O'Leary (by vote of the town) that the town of Dennis be authorized to establish a waterways dredging and maintenance capital improvement fund. To the committee on Municipalities and Regional Government.

By Mr. LeDuc of Marlborough, petition (accompanied by bill, House, No. 4109) of Stephen P. LeDuc and Pamela Resor (with the approval of the mayor and city council) for legislation to freeze the real estate taxes of certain elderly residents of the city of Marlborough. To the committee on Revenue.

Marlborough, property taxes.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

By Mr. Bradley of Hingham, petition (subject to Joint Rule 12) of Garrett J. Bradley relative to the benefits payable to certain veterans of the armed forces.

Veterans, benefits.

By the same member, petition (subject to Joint Rule 12) of Garrett J. Bradley relative to the status of employees of the Treasurer and Receiver-General involved in the administration of the Environmental Facilities Trust of the Commonwealth.

Environmental Trust, employees.

By Mr. Evangelidis of Holden, petition (subject to Joint Rule 12) of Lewis G. Evangelidis that divorced or separated spouses be granted access to insurance records of minor children.

Children, health insurance.

Severally, under Rule 24, to the committee on Rules.

Papers from the Senate.

The engrossed Bill authorizing the transfer of certain land to the city of Boston (see House, No. 53) came from the Senate with an amendment inserting before the enacting clause the following emergency preamble:

Boston, D C R land.

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to authorize the transfer of certain land in the city of Boston, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

Under suspension of Rule 35, on motion of Mr. Petrucci of Boston, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

The House Bill authorizing the town of Norwood to convey certain park land (House, No. 3753) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out section 2 (as inserted by amendment by the House and corrected by the Senate committee on Bills in the Third Reading) as follows:

Norwood, park land.

"SECTION 2. Notwithstanding section 33 of chapter 92 of the General Laws or any other general or special law to the contrary, the department of conservation and recreation shall enter into a 99 year lease for the consideration of \$1 per year with Lowell general hospital for the premises at 190 Varnum avenue in the city of Lowell; but, the lease shall be executed within 30 days after the effective date of this act."

Under suspension of Rule 35, on motion of Mr. Rogers of Norwood, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Reports of Committees.

Robert
Penta,
retirement
credit.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Paul J. Donato that the State Retirement Board be authorized to grant certain creditable service to Robert M. Penta as an elected public official of the city of Medford. Under suspension of the rules, on motion of Mr. Peterson of Grafton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

General
Appropriation
Bill,
one-twelfth
spending.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, on a message from His Excellency the Governor, a Bill making certain appropriations for fiscal year 2008 before final action on the General Appropriation Bill (printed in House, No. 4091). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Peterson of Grafton, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, the noon recess having terminated, under suspension of the rules, on motion of Mr. DeLeo, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Orders of the Day.

Third
reading
bill.

The Senate Bill authorizing the Springfield Water and Sewer Commission to convey certain land (Senate, No. 1169), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

House bills

Third
reading
bills.

Relative to the investment of trust funds for the city of Newton (House, No. 3951); and

Changing the name of the Massachusetts College of Art (House, No. 4088);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Recess.

Recess.

At sixteen minutes after eleven o'clock A.M., on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House recessed until a quarter after one o'clock P.M.; and at twenty-one minutes after one o'clock the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Quorum.

Mr. Binienda of Worcester thereupon asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call (Mrs. Harkins of Needham being in the Chair) 151 members were recorded as being in attendance.

[See Yea and Nay No. 104 in Supplement.]

Therefore a quorum was present.

Emergency Measure.

The engrossed Bill authorizing the transfer of certain land to the city of Boston (see House, No. 53, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 36 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was put upon its final passage.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 151 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 105 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Reports of Committees.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill to promote quality and affordable municipal health insurance through the GIC (House, No. 4105) ought to pass with an amendment substituting therefor a Bill to promote quality and affordable municipal health insurance through the Group Insurance Commission (House, No. 4110). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Peterson of Grafton, the bill was considered forthwith, the main question being on ordering it to a third reading.

The amendment recommended by the committee on Ways and Means then was adopted; and the substituted bill (House, No. 4110) was ordered to a third reading.

Quorum.

Quorum,
yea and nay
No. 104.

Boston,
D C R
land.

Bill enacted
(land taking),
yea and nay
No. 105.

Municipal
health
insurance.

Subsequently, the noon recess having terminated, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

After debate on the question on passing the bill to be engrossed, Representatives Kaufman of Lexington and Kaprielian of Watertown moved to amend it by striking out the title and inserting in place thereof the following title: "An Act to reduce the reliance on property taxes through municipal health care." After remarks the amendment was adopted.

Mr. Donato of Medford being in the Chair,—

Mr. O'Flaherty of Chelsea and other members of the House then moved to amend the bill in section 5, by adding the following subsection:

"(g) For the purposes of this section, teachers and other employees employed by a charter school, as defined pursuant to section 89 of chapter 71, who are subject to retirement systems under chapter 32 shall be considered subscribers eligible for coverage for purposes of this section. Acceptance of this section for said subscribers shall be by vote of the board of trustees of said charter school."

The amendment was adopted.

Mr. Petrolati of Ludlow being in the Chair,—

Ms. Kaprielian of Watertown then moved to amend the bill in section 5, subsection d, second paragraph, by striking the first sentence and inserting in place thereof the following sentence: "Contribution ratios of subscribers pursuant to this section shall be determined pursuant to the written agreement between the appropriate public authority and the public employee committee."; and the amendment was adopted.

Ms. Kaprielian of Watertown then moved to amend the bill by striking out section 4 and inserting in place thereof the following section:

"SECTION 4. Said chapter 32A of the General Laws, as so appearing, is hereby further amended by striking out section 3 and inserting in place thereof the following section:—

Section 3. There shall be established within the executive office of administration and finance, but not subject to the jurisdiction or control thereof, a special unpaid commission, to be known as the group insurance commission, consisting of the commissioner of administration and finance, the commissioner of insurance, and 11 members to be appointed by the governor, 1 of whom shall be a retired state employee, 1 of whom shall be a health economist, and at least 3 of whom shall be full time state employees, of whom 1 shall be a member of the Massachusetts Public Employees Council, #93, AFSCME, Massachusetts State Labor Council, AFL-CIO, 1 of whom shall be a member of the Massachusetts State Employees Association, NAGE, 1 of whom shall be a member of Local 254, S.E.I.U., Massachusetts State Labor Council, AFL-CIO. In addition, upon the transfer and continuation of 10,000 subscribers to the group insurance commission pursuant to section 19 of chapter 32B, one management representative shall be appointed by the governor from a list of 3 representatives nominated by the Massachusetts

Municipal Association, and 1 labor representative shall be appointed by the governor from a list of 3 representatives nominated by the president of the teachers' union with the greatest amount of active and retired members enrolled in commission health plans. In addition, upon the transfer and continuation of 45,000 subscribers to the group insurance commission pursuant to section 19 of chapter 32B, the governor shall appoint 2 additional members, 1 of whom shall be a second labor representative, other than a member of a teachers' union, from a list of 3 representatives nominated by the president of the Massachusetts Chapter of the AFL-CIO, and 1 of whom shall be an expert in the field of health insurance. Not more than 55 percent of the members of the commission shall be members of the same political party. No member appointed by the governor shall be an insurance agent, broker, employee or officer of any insurance company. Upon the expiration of the term of office of any appointive member, his successor shall be appointed in like manner for a term of 3 years. The commission shall be provided with suitable offices and may, subject to appropriation, incur expenses and appoint an executive director who shall be the executive and administrative head thereof and who shall not be subject to the provisions of chapter 31. The commission may empower the executive director to appoint such employees as may be necessary to administer the provisions of this chapter. There shall be paid by the commonwealth to each appointive member of said commission the necessary expenses actually incurred in the discharge of his official duties. The commission shall adopt such reasonable rules and regulations as may be necessary for the administration of this chapter and shall make an annual report to the governor and to the general court which shall include any modifications or amendments made to contracts executed pursuant to this chapter and shall be in such form as to enable employees to understand the benefits available from the insurance program, including the cost thereof."

The amendment was adopted.

On the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Kaufman of Lexington; and on the roll call 149 members voted in the affirmative and 1 in the negative.

[Ms. Reinstein of Revere answered "Present" in response to her name.]

[See Ye and Nay No. 106 in Supplement.]

Therefore the bill (House, No. 4110, printed as amended) was passed to be engrossed. Sent to the Senate for concurrence.

Engrossed Bill.

The engrossed Bill making certain appropriations for fiscal year 2008 before final action on the General Appropriation Bill (see printed in House, No. 4091) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill passed
to be
engrossed,
yea and nay
No. 106.

Bill
enacted.

Order.

On motion of Mr. DiMasi of Boston,—

Next
sitting.

Ordered, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at twenty minutes before five o'clock P.M., on motion of Mr. Donato of Medford (Mr. Petrolati of Ludlow being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M., in an Informal Session.